

REMARKS

Claim 5 stands rejected under 35 USC 102(b) as being anticipated by Yuhara (USP 6,283,129). In addition, claims 5 and 6 stand rejected under 35 USC 103(a) over Kang (USP 5,022,529) in view of Yuhara (USP 4,483,355). Since claims 5 and 6 were canceled, these rejections are now moot.

Claims 5 and 6 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1 and 2 of copending Application No. 10/758,594. In addition, claim 5 stands provisionally rejected on the ground of nonstatutory obviousness-type double patenting over claims 1-3 of copending Application No. 10/687,978. Applicant notes that copending Application No. 10/687,978 has issued as U.S. Patent No. 7,275,642 on October 2, 2007. However, since claims 5 and 6 were both canceled, these provisional obviousness-type double patenting rejections are now moot.

Finally, claim 8 is new. Support for this claim can be found in Figs. 6-9 of this application. Applicant notes that new claim 8 is not anticipated by Yuhara (USP 6,283,129), because Yuhara fails to disclose the recited replaceable decorative cover. While the Examiner has alleged in the pending Action that Yuhara's cover (16) corresponds to the replaceable cover recited in canceled claim 5, the cover (16) is not a replaceable cover. As illustrated in Fig. 1 of Yuhara, that cover (16) is permanently joined to the case body (12) with a pin (24d) at the hinge joint (24) and is not replaceable without disassembling the cosmetic case (10).

In addition, new claim 8 is not obvious in view of Kang (USP 5,022,529) and Yuhara (USP 4,483,355). While the Examiner alleges in the pending Action that Kang's lid (4) discloses the replaceable cover recited in claim 5, the lid (4) is not replaceable. Kang states that "it is object of the [Kang's] present invention to provide a casing for compact which is easy to assemble...which has a firm assembled state and cannot be easily disjointed" (Kang, column 2, lines 13-18). Thus, once the compact is assembled by fitting the retaining grooves (7a) into the shoulders (2b), the lid (4) does not come apart from the lower body (3) (Kang, Fig. 4). Similarly,

Yuhara's cover member (20) is not replaceable. Accordingly, none of the cited references discloses or suggests the recited replaceable cover, and claim 8 is allowable in view of the cited references.

Claim 8 is also not obvious in view of claims 1 and 2 of co-pending Application No. 10/758,594, and claim 1 of USP 7,275,642 issued on October 2, 2007. Accordingly, terminal disclaimers are not required.

Applicant solicits an early action allowing claim 8.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **Docket No. 371312001900**.

Respectfully submitted,

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